

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1292 of 2007

KAMER DAN & ANR.

V/S

CHAIRMAN, SH. KARANI MATA TEMPLE TRUST & ANR

Mr. GJ GUPTA, for the appellant / petitioner

Date of Order : 17.4.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Writ No.301/07 was admitted on 13.2.2007 after hearing learned counsel for the parties, and at that time in the presence of learned counsel, the Probate Court was directed to expeditiously decide the matter. The interim stay was granted on 13.2.2007 specifically keeping it open to apply for modification of that order after the application for recalling probate is decided.

It appears that on getting the interim stay order on 13.2.2007, immediately on 14.2.2007 itself the present petitioner filed the application, which has been decided vide order dated 22.2.2007. It is obvious that if the application were to be allowed, the proceeding for recalling of the probate would be prolonged, and if this intentions were made clear to this Court while passing the order dated 13.2.2007 ought we know that the interim order granted 13.2.2007 might not have been granted. Thus, the present application has been filed only to prolong the advantages obtained vide order dated 13.2.2007, which cannot be allowed. Therefore, I do not find any error in the impugned order. The writ petition is, therefore, dismissed summarily.

(N P GUPTA), J.

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